UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO.: 3:08CV198-DCK

Individually and as Co-Ancillary Administrators) of the Estate of JAYCEE BURGIN, a deceased) minor, Plaintiffs, v. ORDER SAGEBRUSH OF NORTH CAROLINA, LLC, SAGEBRUSH/TENNESSEE, LLC, SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC., Defendants.	LEAH BURGIN and BOBBY BURGIN	N ,)
minor, Plaintiffs, v. SAGEBRUSH OF NORTH CAROLINA, LLC, SAGEBRUSH/TENNESSEE, LLC, SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,	Individually and as Co-Ancillary Administrato	rs)
Plaintiffs, v. ORDER SAGEBRUSH OF NORTH CAROLINA, LLC, SAGEBRUSH/TENNESSEE, LLC, SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,	•	ed)
v.) ORDER SAGEBRUSH OF NORTH CAROLINA,) LLC, SAGEBRUSH/TENNESSEE, LLC,) SAGEBRUSH STEAKHOUSE, HOLTEN) MEAT, INC., INSTITUTIONAL FOOD) HOUSE, INC., NATIONAL BEEF) PACING COMPANY, LLC, IBP, INC.) and TYSON FOODS, INC.,)	minor,)
v.) ORDER SAGEBRUSH OF NORTH CAROLINA,) LLC, SAGEBRUSH/TENNESSEE, LLC,) SAGEBRUSH STEAKHOUSE, HOLTEN) MEAT, INC., INSTITUTIONAL FOOD) HOUSE, INC., NATIONAL BEEF) PACING COMPANY, LLC, IBP, INC.) and TYSON FOODS, INC.,))
SAGEBRUSH OF NORTH CAROLINA, LLC, SAGEBRUSH/TENNESSEE, LLC, SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,	Plaintiffs,)
SAGEBRUSH OF NORTH CAROLINA, LLC, SAGEBRUSH/TENNESSEE, LLC, SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,)
LLC, SAGEBRUSH/TENNESSEE, LLC, SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,	v.	ORDER ORDER
LLC, SAGEBRUSH/TENNESSEE, LLC, SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,)
SAGEBRUSH STEAKHOUSE, HOLTEN MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,)	SAGEBRUSH OF NORTH CAROLINA,)
MEAT, INC., INSTITUTIONAL FOOD HOUSE, INC., NATIONAL BEEF PACING COMPANY, LLC, IBP, INC. and TYSON FOODS, INC.,)	LLC, SAGEBRUSH/TENNESSEE, LLC,)
HOUSE, INC., NATIONAL BEEF) PACING COMPANY, LLC, IBP, INC.) and TYSON FOODS, INC.,)	SAGEBRUSH STEAKHOUSE, HOLTEN)
PACING COMPANY, LLC, IBP, INC.) and TYSON FOODS, INC.,)	MEAT, INC., INSTITUTIONAL FOOD)
and TYSON FOODS, INC.,)	HOUSE, INC., NATIONAL BEEF)
)	PACING COMPANY, LLC, IBP, INC.)
Defendants.)	and TYSON FOODS, INC.,)
Defendants.)
)	Defendants.)
)

THIS MATTER coming on to be heard on the "Agreed Motion For Leave To Dismiss Defendant, National Beef Packing Company, LLC" (Document No. 55) filed February 24, 2009; it is hereby Ordered that the Motion is **GRANTED**. Defendant National Beef Packing Company, LLC, is hereby dismissed without prejudice and with all parties bearing their own costs.

Signed: February 24, 2009

David C. Keesler United States Magistrate Judge